

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STANLEY WHITTED,

Plaintiff,

vs

9:02-CV-1331

GLENN S. GOORD, Commissioner of Corrections;
DANIEL SENKOWSKI, Superintendent of Clinton
Correctional Facility; ISHMAEL CRUZ, New York
State Parole Officer; and JOY TREMBLY, New
York State Parole Revocation hearing Officer,

Defendants.

APPEARANCES:

OF COUNSEL:

STANLEY WHITTED
02-A-4569
Marcy Correctional Facility
P.O. Box 3600
Marcy, NY 13403

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants
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Albany, New York 12224

JAMES SEAMAN, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Stanley Whitted, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated August 25, 2005, the Honorable George H. Lowe, United States Magistrate Judge, recommended that the defendants' motion for summary judgment be granted; plaintiff's claims against defendants Goord, Senkowski and Cruz be

dismissed with prejudice; and that plaintiff's claim against defendant Trembly be dismissed without prejudice. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Lowe, the Report-Recommendation is accepted and adopted in whole.

See 28 U.S.C. 636(b)(1).

Accordingly, it is

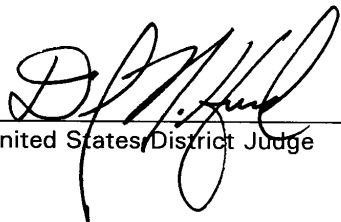
ORDERED that

1. The defendants' motion for summary judgment is GRANTED;
2. The plaintiff's claims against defendants Glenn S. Goord, Daniel Senkowski, and Ishmael Cruz are DISMISSED with prejudice; and
3. Plaintiff's claim against defendant Joy Trembly is DISMISSED without prejudice.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: January 3, 2006
Utica, New York.


United States District Judge